


**DECISION AND ORDER
OF THE
BOARD OF PSYCHOLOGY**

DEPARTMENT OF CONSUMER AFFAIRS

The attached Stipulation in case number W213, is hereby adopted as the Decision and Order of the Board of Psychology, Department of Consumer Affairs. An effective date of April 25, 2002 has been assigned to this Decision and Order.

Made this 26th day of March, 2002.



Martin R. Greenberg, Ph.D.
President, Board of Psychology
Department of Consumer Affairs

1 BILL LOCKYER, Attorney General
of the State of California
2 ROBERT C. MILLER, State Bar No. 125422
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7
8 BEFORE THE
BOARD OF PSYCHOLOGY
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:

12 MAKRAM SAMAN, PH.D.

13 Respondent.

Case No. W213

OAH No. N2001100075

14 **STIPULATED SETTLEMENT AND**
15 **DISCIPLINARY ORDER**
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Complainant Thomas S. O'Connor is the Executive Officer of the Board
21 of Psychology who brought this action solely in his official capacity and is represented in this
22 matter by Bill Lockyer, Attorney General of the State of California, by Robert C. Miller, Deputy
23 Attorney General.

24 2. Respondent Makram Saman, Ph.D. ("Respondent") is represented in this
25 matter by Nabil Saman, Esq., whose address is 2933 Cottage Way, Sacramento, CA 95825.

26 3. On or about December 19, 1973, the Board of Psychology issued
27 Psychology License number PSY-4082 to Makram Saman, Ph.D. At all times relevant to this
28 proceeding, the above license has been in full force and effect, and will expire on April 30, 2002

1 unless otherwise renewed.

2 JURISDICTION

3 4. Accusation No. W-213 was filed before the Board of Psychology
4 ("Board"), and is currently pending against respondent. The Accusation, together with all other
5 statutorily required documents, was duly served on respondent on July 2, 2001, and respondent
6 timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. W-213
7 is attached as Exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read and discussed with his counsel the nature of
10 the charges and allegations in the Accusation and the effects of this stipulation

11 6. Respondent is fully aware of his legal rights in this matter, including the
12 right to a hearing on the charges and allegations in the Accusation, the right to be represented by
13 counsel, at his own expense, the right to confront and cross-examine the witnesses against him,
14 the right to present evidence and to testify on his own behalf and to the issuance of subpoenas to
15 compel the attendance of witnesses and the production of documents, the right to reconsideration
16 and court review of an adverse decision, and all other rights accorded by the California
17 Administrative Procedure Act and other applicable laws.

18 7. Respondent voluntarily, knowingly and intelligently waives and gives up
19 each and every right set forth above.

20 CULPABILITY

21 8. Respondent understands that the charges and allegations in the Accusation,
22 if proven at a hearing, constitute cause for imposing discipline upon his Psychology License
23 number PSY-4082.

24 9. Respondent admits the truth of the Third Cause for Discipline and
25 specifically denies the First, Second, Fourth and Fifth Causes for Discipline alleged in
26 Accusation No. W-213. Investigation case number 1F-01-119862 shall be closed with merit.

27 10. Respondent agrees that his Psychology License number PSY-4082 is
28 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set

1 forth in the Order below.

2 CONTINGENCY

3 11. This stipulation shall be subject to the approval of the Board. Respondent
4 understands and agrees that Board of Psychology's staff and counsel for complainant may
5 communicate directly with the Board regarding this stipulation and settlement, without notice to
6 or participation by respondent or his counsel. If the Board fails to adopt this stipulation as its
7 order, the stipulation shall be of no force or effect, it shall be inadmissible in any legal action
8 between the parties, and the Board shall not be disqualified from further action in this matter by
9 virtue of its consideration of this stipulation. After respondent has executed this stipulation, he
10 shall not be permitted to withdraw from it.

11 12. The parties agree that facsimile signatures to this Stipulated Settlement
12 and Disciplinary Order shall have the same force and effect as original signatures.

13 13. In consideration of the foregoing admissions and stipulations, the parties
14 agree that the Board shall, without further notice or formal proceeding, issue and enter the
15 following Disciplinary Order:

16 DISCIPLINARY ORDER

17 **IT IS HEREBY ORDERED** that Psychology License No. PSY-4082 issued to
18 Makram Samaan, Ph.D. is revoked. However the revocation is stayed and respondent is placed
19 on probation for three (3) years on the following terms and conditions.

20 1. BILLING MONITOR Within 90 days of the effective date of this
21 Decision, respondent shall submit to the Board or its designee for prior approval, the name and
22 qualifications of a psychologist who has agreed to serve as a billing monitor. The monitor shall
23 1) be a California-licensed psychologist with a clear and current license; 2) have no prior
24 business, professions, personal or other relationship with respondent; and 3) not be the same
25 person as respondent's therapist. The monitor's education and experience shall be in the same
26 field of practice as that of the respondent.

27 Once approved, the monitor shall submit to the Board or its designee a
28 plan by which respondent's billing shall be monitored. Monitoring shall consist of a minimum of

1 two hours and up to four hours a month of individual face to face meetings based on the
2 recommendation of the billing monitor and subject to approval by the Board's designee and shall
3 continue during the entire probationary period. The respondent shall provide the monitor with a
4 copy of this Decision and access to respondent's fiscal and/or patient records. Respondent shall
5 obtain any necessary patient releases to enable the monitor to review records and to make direct
6 contact with patients. Respondent shall execute a release authorizing the monitor to divulge any
7 information that the Board may request. It shall be respondent's responsibility to assure that the
8 monitor submits written reports to the Board or its designee on a quarterly basis verifying that
9 monitoring has taken place and providing an evaluation of respondent's performance.

10 Respondent shall notify all current and potential patients of any term or
11 condition of probation which will affect their therapy or the confidentiality of their records (such
12 as this condition which requires a billing monitor). Such notifications shall be signed by each
13 patient prior to continuing or commencing treatment.

14 If the monitor quits or is otherwise no longer available, respondent shall
15 obtain approval from the Board for a new monitor within 30 days. If no new monitor is
16 approved within 30 days, respondent shall not practice until a new monitor has been approved by
17 the Board or its designee. During this period of non-practice, probation will be tolled and any
18 period of non-practice shall not apply to the reduction of this probationary period. Respondent
19 shall pay all costs associated with this monitoring requirement. Failure to pay these costs shall
20 be considered a violation of probation.

21 2. COMMUNITY SERVICE - FREE SERVICES Within 60 days of the
22 effective date of this decision, respondent shall submit to the Board or its designee for its prior
23 approval a community service program in which respondent shall provide free psychological
24 services on a regular basis to community, charitable facility, government entity or a non-profit
25 corporation tax exempt under the Internal Revenue Code for at least 4 hours a month for the first
26 twenty-five (25) months of probation.

27 The filing of bankruptcy by respondent shall not relieve respondent of the
28 responsibility to repay investigation and enforcement costs, nor shall this condition be subject to

1 the tolling provisions of paragraph 11 below.

2 3. PROBATION COSTS Respondent shall pay the costs associated with
3 probation monitoring each and every year of probation. Such costs shall be payable to the Board
4 of Psychology at the end of each fiscal year (July 1 - June 30). Failure to pay such costs shall be
5 considered a violation of probation.

6 4. INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent
7 shall pay the Board its costs of investigation and enforcement in the amount of \$7,000 in equal
8 quarterly installments of \$777.78 over the 36 months of probation. Such costs shall be payable
9 to the Board of Psychology. Failure to pay such costs shall be considered a violation of
10 probation.

11 The filing of bankruptcy by respondent shall not relieve respondent of the
12 responsibility to repay investigation and enforcement of costs, nor shall this condition be subject
13 to the tolling provisions of paragraph 11 below.

14 5. OBEY ALL LAWS Respondent shall obey all federal, state, and local
15 laws and all regulations governing the practice of psychology in California including the ethical
16 guidelines of the American Psychological Association. A full and detailed account of any and all
17 violations of law shall be reported by the respondent to the Board or its designee in writing
18 within seventy-two (72) hours of occurrence.

19 6. QUARTERLY REPORTS Respondent shall submit quarterly declarations
20 under penalty of perjury on forms provided by the Board or its designee, stating whether there
21 has been compliance with all the conditions of probation.

22 7. PROBATION COMPLIANCE Respondent shall comply with the Board's
23 probation program and shall, upon reasonable notice, report to the assigned District Office of the
24 Medical Board of California or other designated probation monitor. Respondent shall contact the
25 assigned probation officer regarding any questions specific to the probation order. Respondent
26 shall not have any unsolicited or unapproved contact with 1) complainants associated with the
27 case; 2) Board members or members of its staff; 3) persons serving the Board as expert
28 evaluators.

8. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

9. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing, through the assigned probation officer, of any and all changes of employment, location, and address within 30 days of such change.

10. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-PRACTICE In the event respondent should leave California to reside or to practice outside the state or for any reason should respondent stop practicing psychology in California, respondent shall notify the Board or its designee in writing within ten days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of temporary or permanent residence or practice outside California or of non-practice within California will not apply to the reduction of this probationary period, although the Board may allow respondent to complete certain terms of probation that are not associated with active practice.

11. EMPLOYMENT AND SUPERVISION OF TRAINEES If respondent is licensed as a psychologist, he shall not employ or supervise or apply to employ or supervise psychological assistants, interns or trainees during the course of this probation. Any such supervisory relationship in existence on the effective date of this probation shall be terminated by respondent and/or the Board.

12. FUTURE REGISTRATION OR LICENSURE If respondent is currently registered as a psychological assistant and subsequently obtains other psychological assistant registrations or becomes licensed as a psychologist during the course of this probationary order, respondent agrees that this Decision shall remain in full force and effect until the probationary period is successfully terminated. Future registration or licensure shall not be approved, however, until respondent is currently in compliance with all of the terms and conditions of

1 probation.

2 13. VIOLATION OF PROBATION If respondent violates probation in any
3 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke
4 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to
5 Revoke Probation is filed against respondent during probation, the Board shall have continuing
6 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
7 is final. No Petition for Modification or Termination of Probation shall be considered while
8 there is an Accusation or Petition to Revoke Probation pending against respondent.

9 14. COMPLETION OF PROBATION Upon successful completion of
10 probation, respondent's license shall be fully restored.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and
13 have fully discussed the terms and conditions and other matters contained therein with my
14 attorney, Nabil Samaan, Esq. I understand the effect this stipulation will have on my Psychology
15 License. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently and agree
16 to be bound by the Disciplinary Order and Decision of the Board of Psychology.

17 DATED: 12-19-01.

18 
19 MAKRAM SAMAN, Ph.D.
Respondent

20 I have read and fully discussed with respondent Makram Samaan, Ph.D. the terms
21 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
22 Order and approve its form and content.

23 DATED: 12-19-01.

24 
25 NABIL SAMAN, ESQ.
Attorney for Respondent

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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Board of Psychology.

4 DATED: 2/5/02

5 BILL LOCKYER, Attorney General
6 of the State of California

7 

8 ROBERT C. MILLER
9 Deputy Attorney General

10 Attorneys for Complainant

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EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL, Supervising
Deputy General, State Bar No. 84134
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10 BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. W213

13 MAKRAM SAMAAAN, PH.D.
2933 Cottage Way
14 Sacramento, CA 95825

ACCUSATION

15 Psychologist's License No. PSY 4082

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Thomas S. O'Connor ("Complainant") brings this Accusation solely in his
21 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
22 Affairs.

23 2. On or about December 19, 1973, the Board of Psychology issued
24 Psychologist's License Number PSY 4082 to Makram Samaan, Ph.D. ("Respondent"). The
25 Psychologist's License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on April 30, 2002, unless renewed.

27 JURISDICTION

28 3. This Accusation is brought before the Board of Psychology ("Board"),

1 under the authority of the following sections of the Business and Professions Code ("Code").

2 4. Section 2960 of the Code states:

3 The board may refuse to issue any registration or license, or may issue a
4 registration or license with terms and conditions, or may suspend or revoke the
5 registration or license of any registrant or licensee if the applicant, registrant, or licensee
6 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not
7 be limited to:

8 (a) Conviction of a crime substantially related to the qualifications, functions or
9 duties of a psychologist or psychological assistant.

10 (b) Use of any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or dangerous drug, or any alcoholic
12 beverage to an extent or in a manner dangerous to himself or herself, any other person, or
13 the public, or to an extent that this use impairs his or her ability to perform the work of a
14 psychologist with safety to the public.

15 (c) Fraudulently or neglectfully misrepresenting the type or status of license or
16 registration actually held.

17 (d) Impersonating another person holding a psychology license or allowing
18 another person to use his or her license or registration.

19 (e) Using fraud or deception in applying for a license or registration or in passing
20 the examination provided for in this chapter.

21 (f) Paying, or offering to pay, accepting, or soliciting any consideration,
22 compensation, or remuneration, whether monetary or otherwise, for the referral of clients.

23 (g) Violating Section 17500.

24 (h) Willful, unauthorized communication of information received in professional
25 confidence.

26 (i) Violating any rule of professional conduct promulgated by the board and set
27 forth in regulations duly adopted under this chapter.

28 (j) Being grossly negligent in the practice of his or her profession.

1 (k) Violating any of the provisions of this chapter or regulations duly adopted
2 thereunder.

3 (l) The aiding or abetting of any person to engage in the unlawful practice of
4 psychology.

5 (m) The suspension, revocation or imposition of probationary conditions by
6 another state or country of a license or certificate to practice psychology or as a
7 psychological assistant issued by that state or country to a person also holding a license or
8 registration issued under this chapter if the act for which the disciplinary action was taken
9 constitutes a violation of this section.

10 (n) The commission of any dishonest, corrupt, or fraudulent act.

11 (o) Any act of sexual abuse, or sexual relations with a patient or former patient
12 within two years following termination of therapy, or sexual misconduct that is
13 substantially related to the qualifications, functions or duties of a psychologist or
14 psychological assistant or registered psychologist.

15 (p) Functioning outside of his or her particular field or fields of competence as
16 established by his or her education, training, and experience.

17 (q) Willful failure to submit, on behalf of an applicant for licensure, verification
18 of supervised experience to the board.

19 (r) Repeated acts of negligence.

20 5. Section 2936 of the Code provides, in part, that the Board shall apply the
21 American Psychological Association's (APA) Code of Ethics as its standards of ethical conduct
22 relating to the practice of psychology.

23 6. Section 2964.6 of the Code states:

24 An administrative disciplinary decision that imposes terms of probation may
25 include, among other things, a requirement that the licensee who is being placed on probation
26 pay the monetary costs associated with monitoring the probation.

27 7. Section 125.3 of the Code states, in pertinent part, that the Board may
28 request the administrative law judge to direct a licentiate found to have committed a violation or

violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

[Bus. & Prof. Code § 2960 (j)]

8. Respondent is subject to disciplinary action under section 2960 (j) of the Code in that he was grossly negligent in billing for services not rendered to patient T.M..¹ The circumstances are as follows:

a. On or about February 15, 1999, T.M. was involved in an automobile accident. T.M. later retained an attorney concerning the accident and the injuries she suffered in the accident. On or about April 2, 1999, T.M., following her involvement in the February 15, 1999, automobile accident, was seen by respondent. T.M.'s physician had referred T.M. to respondent. At the office visit, Respondent had T.M. sign a lien agreement which provides in part that T.M.'s attorney is directed to pay Respondent should T.M. collect monies as a result of her personal injury lawsuit concerning the automobile accident. During the office visit, respondent gave T.M. the Zung Depression Screening Form which consisted of 20 questions answered by T.M. At the conclusion of the office visit on April 2, 1999, respondent made an appointment for T.M. to be seen by respondent on April 9, 1999. Upon returning to her home after her office visit with respondent on April 2, 1999, T.M. telephoned respondent and cancelled her April 9, 1999 appointment. T.M. saw Respondent on only one occasion, April 2, 1999, and not thereafter.

b. In a letter Respondent wrote to T.M.'s attorney dated April 5, 1999, Respondent wrote, in part, that T.M. "[I]s participating in multiple psychotherapeutic treatment procedures, including supportive psychotherapy, desensitization and concentration enhancement." Respondent also wrote in the letter, "Later I will provide you with the comprehensive narrative report of her evaluation, treatment progress and prognosis." The letter

1. The full name of the client referred to herein will be provided to respondent upon a timely request for discovery.

1 did not indicate that Respondent had seen T.M. on only one occasion on April 2, 1999.

2 c. On April 9, 1999, respondent telephoned T. M.'s home and spoke
3 with T.M.'s boyfriend, Jeff Nelson. Respondent asked why T.M. had not made her appointment
4 earlier that day. Jeff Nelson told respondent that T.M. had cancelled the appointment and had no
5 intention of keeping the appointment. Later that day T.M. and Jeff Nelson went to Paradise,
6 California. Respondent falsely wrote in T.M.'s chart notations indicating that he had seen T.M.
7 in an office visit on April 9, 1999, and notations indicating that the "Phobia Hierarchy Scale" had
8 been given to T.M. on that date.

9 d. Respondent falsely wrote in T.M.'s chart that T.M. was a no-show
10 for an appointment she had allegedly missed on April 16, 1999, when in fact, no such
11 appointment had been made with T.M.

12 e. Respondent wrote a "Final Psychological Injury Report" dated
13 June 17, 1999, which he sent to T.M.'s attorney. In the report Respondent wrote, in part, that he
14 had administered to T.M. the "Phobia Hierarchy Scale" and under the heading of
15 "TREATMENT" that "[T.] has participated in multiple psychotherapeutic treatment procedures."
16 The report did not indicate how many times Respondent had seen T.M., which was only once on
17 April 2, 1999. After seeing T.M. on the one occasion, Respondent wrote in the report the
18 following diagnosis for T.M.: "309.81 Post Traumatic Stress Disorder" and "300 Phobia of
19 driving." In the written report, Respondent also gave the following prognosis: "She was
20 coming well, but as she did not complete her treatment, she may need few more sessions to heal.
21 Her prognosis looks good." Respondent's written report is misleading and dishonest in that it
22 gives the impression that Respondent had seen T.M. on several occasions when he had only seen
23 her once.

24 f. Respondent sent to T.M.'s attorney a billing statement dated June
25 18, 1999, claiming a total of \$1,400.00 for the following: 4/02/99 Office Consultation \$350.00;
26 4/02/99 Depression Test \$175.00; 4/02/99 (Driving) Phobia Test \$175.00; 4/09/99 Office Visit
27 \$175.00; 4/16/99 No Show \$175.00; 6/17/99 Medical Injury Report \$350.00. When T.M. was
28 informed by her attorney of the above bill she refuted it because of the following: She had seen

1 Respondent only once on April 2, 1999, she had cancelled her appointment with Respondent on
2 April 9, 1999, and had not seen him on that date, she did not receive the Driving Phobia Test at
3 any time, and she never had a appointment with Respondent on April 16, 1999.

4 g. Respondent billed for the following services to T.M. that were not
5 provided or scheduled: a Driving Phobia Test that was not given and for which Respondent
6 billed \$175.00; an office visit on April 9, 1999, that T.M. had timely cancelled and did not attend
7 and for which Respondent had billed \$175.00; an office visit for 4/16/99 that T.M. was never
8 informed of or agreed to, and which Respondent identified as a "No Show" and billed \$ 175.00.

9 9. Respondent's billing for services not rendered to T.M. as described in
10 paragraphs 8.a., through 8.g., above, constitutes gross negligence and is unprofessional conduct
11 within the meaning of section 2960 (j) of the Code.

12 SECOND CAUSE FOR DISCIPLINE

13 (Gross Negligence)

14 [Bus.& Prof. Code § 2960 (j)]

15 10. Complainant realleges paragraphs 8 and 8.a. through 8.g., as if fully set
16 forth herein.

17 11. Respondent's conduct as described in paragraph 8.c., in falsely writing in
18 T.M.'s chart notations indicating he had seen T.M. on April 9, 1999, and that he had given her the
19 phobia hierarchy scale constitutes gross negligence and is unprofessional conduct within the
20 meaning of section 2960 (j) of the Code.

21 12. Respondent's conduct as described in paragraph 8.d., in falsely writing in
22 T.M.'s chart that she was a "No Show" for an office visit on June 16, 1999, when T.M. was never
23 informed nor agreed to the appointment constitutes gross negligence and is unprofessional
24 conduct within the meaning of section 2960 (j) of the Code.

25 13. Respondent's conduct as described in paragraph 8.e., in his writing and
26 submitting a "Final Psychological Injury Report" to T.M.'s attorney indicating T.M. had
27 participated in "multiple psychotherapeutic treatment procedures" and providing a diagnosis and
28 prognosis without any mention of how many times Respondent had seen T.M. (once) constitutes
gross negligence and is unprofessional conduct within the meaning of section 2960 (j) of the

Code.

14. Respondent's conduct as described in paragraph 8.a., in which Respondent had T.M. sign a lien which allowed Respondent to collect his payment for services to T.M. from the proceeds (if any) of T.M.'s personal injury lawsuit concerning the automobile accident constitutes gross negligence and is unprofessional conduct within the meaning of section 2960 (j) of the Code.

THIRD CAUSE FOR DISCIPLINE

(Repeated Acts of Negligence)

[Bus. & Prof. Code § 2960 (r)]

15. Complainant realleges paragraphs 8 and 8.a through 8.g., and 11 through 13 above, as if fully set forth herein.

16. Complainant's conduct as described in paragraph 8.e., in which he gives T.M. a prognosis after only one session with T.M. constitutes a negligent act.

17. Complainant's conduct as described in paragraph 8.e., and 8.g., in billing for allegedly administering the Driving Phobia Test (Phobia Hierarchy Scale) without any reliability and validity scales and scoring procedures, constitutes a negligent act.

18. Respondent's conduct as alleged in paragraphs 9, 11, 12, 13, 14, 16 and 17 above, and any combination thereof, constitutes repeated acts of negligence within the meaning of section 2960 (n) of the Code and is unprofessional conduct.

FOURTH CAUSE FOR DISCIPLINE

(Dishonest /Fraudulent Act)

[Bus. & Prof. Code § 2960 (j)]

19. Complainant realleges paragraphs 8 and 8.a. through 8.g., as if fully set forth herein.

20. Respondent's conduct as set forth in paragraphs, 8.c., 8.e., 8.f., and 8.g., constitutes the commission of dishonest, corrupt, and/or fraudulent acts and is unprofessional conduct within the meaning of section 2960 (n) of the Code.

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FIFTH CAUSE FOR DISCIPLINE
(Violations of Code of Conduct)
[Bus. & Prof. Code §§ 2960 (i) and (k) and 2936]

21. Respondent is guilty of unprofessional conduct within the meaning of section 2960 (i) and (k) and section 2936 as more particularly set forth hereinbelow.

22. Respondent realleges paragraphs 8.a., through 8.g. as if fully set forth herein.

23. The Ethical Principles of Psychologists and Code of Conduct promulgated by the American Psychological Association provides, in part, the following:

" 7.04 Truthfulness and Candor- (a) In forensic testimony and reports, psychologists testify truthfully, honestly, and candidly and, consistent with applicable legal procedures, describe fairly the bases for their testimony and conclusions. (b) Whenever necessary to avoid misleading, psychologists acknowledge the limits of their data of conclusions."

24. Respondent's written report, dated June 17, 1999, addressed to T.M.'s attorney, as described in paragraph 8.e., failed to include how many office visits he had with T.M., which was only one. The omission that Respondent had only one office visit with T.M. resulted in a report that failed to describe fairly the basis for Respondent's statements and conclusions and was misleading for failing to acknowledge the limits of his contact with T.M. Respondent's above omission violated the standards of ethical conduct related to the practice of psychology as stated in paragraph 23, above and constitutes unprofessional conduct within the meaning of Code sections 2960 (i) , 2960 (k), and 2936.

DISCIPLINE CONSIDERATIONS

25. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about March 18, 1983, in a prior disciplinary action entitled In the Matter of the Accusation Against Makram Samaan, before the Board of Psychology, in Case Number 2487, Respondent's license was placed on probation for three years which was successfully completed on March 18, 1986. The imposed discipline was for violating Business and Professions Code sections 2960 (a) (conviction of a crime), 2960 (i) (violating any rule of professional conduct), 2960 (k) (violating any provision of this chapter or regulations),

1 and California Code of Regulations, Title 16, section 1397.10 (commission of a dishonest,
2 corrupt or fraudulent act). That decision is now final and is incorporated by reference as if fully
3 set forth herein.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board of Psychology issue a decision:

7 1. Revoking or suspending Psychologist's License Number PSY 4082,
8 issued to Makram Samaan, Ph.D.;

9 2. Ordering Makram Samaan, Ph.D. to pay the Board of Psychology the
10 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,
11 the costs of probation monitoring;

12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: July 2, 2001.

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17 THOMAS S. O'CONNOR
18 Executive Officer
19 Board of Psychology
20 Department of Consumer Affairs
21 State of California
22 Complainant

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